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5 Attorneys' for Defendants,  
 6 BAC HOME LOANS SERVICING, LP f/k/a COUNTRYWIDE HOME LOANS SERVICING,  
 7 LP and SETERUS, INC., as the authorized subservicer for Federal National Mortgage  
 8 Association ("Fannie Mae"), Creditor c/o Seterus, Inc. erroneously sued herein as SETERUS,  
 INC.

9 UNITED STATES BANKRUPTCY COURT

10 EASTERN DISTRICT OF CALIFORNIA- SACRAMENTO DIVISION

11 In Re:	) Chapter: 13
12	)
13 ARSENIO A. SANTOS and MARTHA G.	) BK Case No.: 09-33746
14 SANTOS,	) Adversary Case No.: 13-02346
15 Debtors.	)
	) <b>ORDER ON MOTION TO DISMISS</b>
	) <b>ADVERSARY COMPLAINT</b>
16 ARSENIO A. SANTOS and MARTHA G.	)
17 SANTOS,	)
18 Plaintiffs,	) Hearing Date: January 6, 2014
19 vs.	) Hearing Time: 10:00 a.m.
	) Crtrm: 28, Dept.: A
20 BAC HOME LOANS SERVICING, LP	) Location: 501 I Street
21 f/k/a COUNTRYWIDE HOME LOANS	) Sacramento, CA 95814
22 SERVICING, LP.; SETERUS, INC. and	)
23 DOES 1 through 10, inclusive,	)
24	)
25 Defendants.	)
	)
	)
	)

26 The above-captioned matter came on for hearing on January 6, 2014 and was resolved  
 27 after oral argument, in the courtroom of the Honorable Michael S. McManus, upon the Motion of  
 28 Defendants BAC HOME LOANS SERVICING, LP f/k/a COUNTRYWIDE HOME LOANS

RECEIVED

January 10, 2014  
 CLERK, U. S. BANKRUPTCY COURT  
 EASTERN DISTRICT OF CALIFORNIA  
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ORDER ON MOTION TO DISMISS ADVERSARY COMPLAINT

1 SERVICING, LP ("BAC") and SETERUS, INC., as the authorized subservicer for Federal  
2 National Mortgage Association ("Fannie Mae"), Creditor c/o Seterus, Inc. erroneously sued  
3 herein as SETERUS, INC. ("Seterus") (sometimes hereinafter collectively referred to as  
4 "Defendants"), for dismissal of the above-referenced Adversary Complaint ("Adversary  
5 Complaint") of Plaintiffs ARSENIO A. SANTOS and MARTHA G. SANTOS ("hereinafter  
6 collectively referred to as "Plaintiffs") pursuant to Federal Rule of Civil Procedure 12(b)(6) for  
7 failure to state a claim.

8 Appearances are as noted on the record.

9 Based upon the moving papers, the opposition and reply papers, if any, the arguments of  
10 counsel and for good cause appearing, the Court rules as follows:

11 **IT IS HEREBY ORDERED:**

- 12 1) That Defendants' Motion to Dismiss the Adversary Complaint of Plaintiffs is  
13 granted without leave to amend as to the first cause of action for Declaratory Relief.
- 14 2) That Defendants' Motion to Dismiss is denied without prejudice as to all other  
15 causes of action set forth in Plaintiffs' Adversary Complaint.
- 16 3) That Defendants have fourteen (14) days from the date of the hearing on the  
17 Motion to Dismiss to file a responsive pleading to Plaintiff's Adversary Complaint.

18  
19 Dated: January 17, 2014

By the Court

20   
21 Michael S. McManus  
22 United States Bankruptcy Judge  
23  
24  
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26  
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